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10/573,512	10/03/2006	Rene Limacher	LIMAC-1	3548

7590 09/29/2010  
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EXAMINER
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RENWICK, REGINALD A

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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09/29/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,512	<b>Applicant(s)</b> LIMACHER, RENE	
	<b>Examiner</b> REGINALD A. RENWICK	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-36 are objected to because of the following informalities: these claims are improperly written because they contain language within parentheses and adds confusion to interpreting the claim. For example, does the parentheses further limit the claim, or does the parentheses simply offer an example of the particular claimed invention. Furthermore as stated in 2111.01 II. "It is improper to import claim limitations from the specification," Applicant "can not import into a claim limitations that are not part of the claim." Here The examiner is left without a full understanding of the claim and for the purposes of examination, the examiner will not consider language from the parentheses.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1, 10, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, Applicant states "generating a "p wagers indicator" identifying as a group (entry) p wagers played simultaneously by a player, eligible for an award based on non-matching selection." Examiner does not understand the phrase "group (entry)" because is it not known whether "entry" further limits the claim, or how it should be addressed relative to the claim. With respect to claims 10 and 19, Applicant states "entry (groups) of p wagers" in which the examiner

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does not understand how “groups” affects the claim language. Does the invention distinguish groups of p wagers or simply entries, which is a much broader term? One can identify a plurality of entries by identifying each entry. However, one can identify a group of entries, only by identifying the group.

### ***Claim Rejections - 35 USC § 101***

4. As required by page 10 of the recent Bilski decision (Court of Appeals for the Federal Circuit, 2007-1130), all claims must be either tied to a particular apparatus or to a physical transformation of matter from one composition to another. Physical transformations are seldom encountered in the gaming arts. One way to tie independent Claim to a particular apparatus would be to cite how the particular structures of the apparatus carry out the respective steps of the method. The examiner points the applicants to ex parte Cornea-Hasegan (89 USPQ2d 1557) and ex parte Halligan (89 USPQ2d 1355). Citing how the specific structures of the apparatus perform corresponding specific method steps can serve to tie the method to a particular apparatus. Incorporating these structures from the specification into Claim and showing how these structures serve to perform the respective steps of the method would serve to tie the method claim to a particular apparatus.

These are only suggestions. The examiner notes that the test for a concrete, tangible, and useful result is no longer used, but a concrete or tangible action or method step

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taken by an apparatus structure can serve to tie the claim to a particular apparatus.

Exact suggestions are hard to provide, as the examiner is unsure how the applicant will want to amend the claims in light of Bilski. For typical claims pertaining to a gaming device, the examiner will provide suggestions as accepting a wager from a player via a bill/coin slot or credit/debit card reader on a gaming machine; accepting input from a player via an input device on the gaming machine, such as a slot handle, touchscreen, keyboard, mouse, buttons, joystick, or trackball; manipulating the input data in physical memory by the gaming machine's processor according to the rules of the game stored in memory; displaying the output or game result to the player via an output device on the gaming machine such as a display; and remitting to the player any winning outcome via a bill/coin hopper or credit/debit card writer on the gaming device. Such limitations serve to tie the claim to a particular apparatus by showing how the respective structures of the apparatus carry out the respective steps of the method. The structural limitations must be meaningful to the claim as a whole and not trivial, as outlined above.

With respect to claims 1-9 fails to state a process that transforms a machine. Claims 28-36 fails to disclose a "non-transitory" computer readable medium and fails to further state the "program code" transforms a machine by causing the machine to process information. Such language as "processing" and "non-transitory computer readable medium" should be incorporated in the claim language.

***Claim Rejections - 35 USC § 103***

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1-8, 10-17, 19-26, 28-35 rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeon (U.S. Patent No. 4,764,666) in view of Walker et al. (U.S. Patent No. 7,052,394) in further view of Applicant's Disclosure of Prior Art .

Re claims 1 and 10: Bergeon discloses a method of operating a lottery or lottery-style game of chance (Title & Abstract) in which one or more players may play one or more wagers each comprising a player selecting m play symbols out of a set of n play symbols (column 11, lines 21-28: a card is inserted at an agent terminal where the card indicates specific numbers to be picked and the wagers to be made), with each player having the option of playing p wagers simultaneously in one entry (column 11, lines 24-25 & column 13, lines 13-15: a player can purchase multiple plays or repeatedly buy into the game), and the result of playing the wagers being determined by a random

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drawing of  $m$  winning play symbols out of said set of  $n$  play symbols by a central authority and comparing the  $m$  winning play symbols with each player's selection of  $m$  play symbols for a wager to determine a winning wager (this rule set is inherent to a lottery game which draws winning numbers from a pool of numbers larger than the selection of winning numbers); storing each entry of  $p$  wagers played simultaneously and the related  $p$  wagers indicator on a central server operated by a central authority (column 7, lines 42-58: a record of the numbers played is stored by the central authority); comparing the  $m$  winning play symbols of said random drawing with each entry of  $p$  wagers played simultaneously that are identified by said  $p$  wagers indicator and declaring as a winner each entry of  $p$  wagers played simultaneously that are identified by said  $p$  wagers indicator (column 12, lines 4-14) and calculating an award value for said winning entry or entries (column 12, lines 8-9). Bergeon fails to disclose specifically disclose that the method further comprising the steps of: generating a " $p$  wagers indicator" identifying as a group (entry)  $p$  wagers played simultaneously by a player eligible for an award. However, Walker et al. discloses a " $p$  wagers indicator" identifying as a group  $p$  wagers played simultaneously by a player eligible for an award (Fig. 3, object 134: "number of primary lottery entries registered"). Because both Walker and Bergeon discloses a lottery game with a database that stores players information, it would have been obvious to simply substitute the database of Walker for that of Bergeon for the purpose of concisely organizing data.

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Bergeon fails to disclose if said entry of  $p$  wagers consists collectively of no more than  $x$  play symbols matching said  $m$  winning play symbols, where  $x$  is 0 or a predetermined number less than  $m$ . However, Applicant's Disclosure of Prior Art discloses a common lottery game wherein an award is given to players who do not fully achieve all of the lottery numbers and instead partially achieve the lottery numbers (0004). This satisfies the above rule set wherein a player matches a number less than ( $m$ ), the complete set of winning symbols. It would have been obvious to incorporate Applicant's Disclosure of Prior Art into the lottery game of Bergeon to attract more players to the game by offering a greater diversity of awards.

Re claim 2: Bergeon discloses a method according to claim 1 wherein: an entry of  $p$  wagers played simultaneously and eligible for an award based on non-matching selections can be purchased for multiple ( $q$ ) drawings (a player can repeatedly purchase lottery tickets by coming back to the agent terminal); said entry to include and identify in said  $p$  wagers indicator if the entry is to represent  $p$  entries for  $q$  drawings in the game of chance (each set of stored lottery numbers is an entry into the drawing of the game).

Bergeon fails to disclose a  $p$  wagers indicator. However, Walker et al. discloses a "p wagers indicator" identifying as a group  $p$  wagers played simultaneously by a player eligible for an award (Fig. 3, object 134: "number of primary lottery entries registered"). Because both Walker and Bergeon discloses a lottery game with a database that stores players information, it would have been obvious to simply substitute the database of



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Walker for that of Bergeon for the purpose of concisely organizing data.

Bergeon fails to disclose entry to be declared a winning entry if collectively no more than  $x$  play symbols matched the winning play symbols of  $q$  drawings, where  $x$  is 0 or a predetermined number less than  $m$ . However, in light of Applicant's Disclosure of Prior Art (0004), a winning game card (entry) would be a winner if only one or multiple wagers achieved  $x$  amount of winning numbers without achieving all of the winning lottery numbers.

Re claim 3: Bergeon fails to disclose with respect to a method according to claim 1 wherein the playing of a wager is evidenced by issuance of an identifying confirmation (e.g. a printed ticket, an electronic message, a dynamic web page, a sense mark form, or another confirmation) and each entry of  $p$  wagers played simultaneously is evidenced by a single combined confirmation, and further including storing with each wager and entry a date and a unique identifying number, and storing with each winning wager and winning entry of  $p$  wagers played simultaneously as evidenced by a single combined confirmation a winning date and an award value. However Walker discloses that after a player registers for a ticket, there is an entry made into a memory unit that indicates each entry of  $p$  wagers played simultaneously, (Fig. 4: "Lottery Numbers") which includes a date and a unique identifying number, (Fig. 4: "Drawing Identifier" and "Player Identifier") and a winning entry has an associated date and award value (Fig. 4: "Award Values" and "Lottery Number"). It would have been obvious to one skilled in the

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art to modify the central storage of Bergeon with the categories of Walker as they satisfy player history data which Beurgeon stores.

Re claim 4: Bergeon fails to disclose with respect to a method according to claim 1 further including the identification of additional winning individual wagers with less than  $m$  matching symbols ( $m-1$ ,  $m-2$ , etc.) and additional winning entries for  $p$  multiple wagers played simultaneous with collectively more than 0 matching symbols (1, 2, etc.), and calculating corresponding additional award values. However, in light of Applicant's Disclosure of Prior Art which discloses that a player can win award for a sequence of numbers that does not include all winning numbers, a series of lottery tickets of Bergeon for the same pool under these rules can provide additional award values for each ticket that satisfies this limitation.

Re claims 5, 14 and 23 and 32: Bergeon discloses a method according to claim 1 further including charging a fee for playing each wager, wherein calculating said fee includes the steps of: determining a plurality of potential payouts of said game of chance, based on the number of matching play symbols in each wager (Instant Application para 0028: Applicant states that in a common lottery game an operator determines a series of payouts for potential number selections); determining a plurality of potential payouts of said same of chance, based on the number of non-matching play symbols in one or more of  $p$  entries represented by a  $p$  wagers indicator (Instant Application para 0028: Applicant states in a common lottery game, "Given that the odds

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of matching 1, 2, 3, 4, 5, or 6 numbers decrease exponentially, the payouts associated with each of those win statuses increase exponentially as well"); determining a total number for said plurality of said payouts and a value for each of said plurality of potential payouts (Instant Application para 0028: Applicant states "Given that the odds of matching 1, 2, 3, 4, 5, or 6 numbers decrease exponentially, the payouts associated with each of those win statuses increase exponentially as well"); determining the probability of each of said plurality of potential payouts (Instant Application para 0028: Applicant states "Given that the odds of matching 1, 2, 3, 4, 5, or 6 numbers decrease exponentially, the payouts associated with each of those win statuses increase exponentially as well"); and calculating said fee for each wager and each entry of p wagers played simultaneously at least in part on said determined total number and said determined probability (for each additional wager, the player is charged another amount because the operator is charging more money for a greater probability of winning). Burgeon fails to disclose that the total fee for an entry consisting of a group of p wagers played simultaneously and eligible for an award based on non-matching selections being based in part on said p wagers indicator. However, in light of Applicant's Disclosure of Prior Art , an award is determined by the number of winning tickets, wherein if the tickets do not include the maximum number of matches, then the player will win awards for tickets that contain 1-5 matches.

Re claim 6: Burgeon discloses with respect to a method according to claim 1 wherein all entries are comprised of a minimum of p wagers played simultaneously (in Burgeon a

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player can repeatedly purchase tickets for the same lottery, wherein the minimum of  $p$  wagers played simultaneously would have to be two because one wager can not be played simultaneously).

Re claim 7: Burgeon discloses with respect to a method according to claim 1 wherein the play symbols of said multiple  $p$  wagers played simultaneously and identified by a  $p$  wagers indicator consist at least in some instances of play symbols randomly generated on behalf of the player (on one purchase of a lottery ticket, a player can ask for a random generated set of numbers).

Re claims 10, 19, 28: Burgeon discloses an apparatus for operating a game of chance, comprising a memory and a processor to which the memory is connected (column 9, lines 46-52); said memory serving as a store for the following: the result of a random drawing of  $m$  play symbols from a set of  $n$  play symbols (column 12, lines 4-8: the system must store the result in order to compare the result with players and automatically pay the player); a plurality of wagers played by one or more players, each wager comprising a selection of  $m$  play symbols out of a set of  $n$  play symbols (column 11, lines 21-28: a card is inserted at an agent terminal where the card indicates specific numbers to be picked and the wagers to be made); identifying numbers selected by a central authority identifying each individual wager and each entry of  $p$  wagers played simultaneously by a player (column 7, lines 42-58: a record of the numbers played by the player is stored by the central authority). Burgeon fails to disclose with respect to a

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"p wagers indicator" for each entry of p wagers played simultaneously. However, Walker et al. discloses a "p wagers indicator" identifying as a group p wagers played simultaneously by a player eligible for an award (Fig. 3, object 134: "number of primary lottery entries registered"). Because both Walker and Bergeon discloses a lottery game with a database that stores players information, it would have been obvious to simply substitute the database of Walker for that of Bergeon for the purpose of concisely organizing data.

Burgeon fails to disclose that players are eligible for an award based on non-matching selections; and said processor being operative to: determine if a stored individual wager has all m play symbols matching said m winning play symbols of said result; identify a stored entry of p wagers played simultaneously as a winning entry if collectively said p wagers of said stored entry have no more than x play symbols matching said m winning play symbols, where x is 0 or a predetermined number less than m. However, Applicant's Disclosure of Prior Art discloses a common lottery game wherein an award is given to players who do not fully achieve all of the lottery numbers and instead partially achieve the lottery numbers. This satisfies the above rule set wherein a player matches a number less than (m), the complete set of winning symbols. It would have been obvious to incorporate Applicant's Disclosure of Prior Art into the lottery game of Bergeon to attract more players to the game by offering a greater diversity of awards.

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Re claims 11, 20, and 29: Bergeon discloses an apparatus according to claim 10 wherein: an entry of  $p$  wagers played simultaneously and eligible for an award based on non-matching selections can be purchased for multiple ( $q$ ) drawings (a player can repeatedly purchase lottery tickets by coming back to the agent terminal); said entry to include and identify in said  $p$  wagers indicator if the entry is to represent  $p$  entries for  $q$  drawings in the game of chance (each set of stored lottery numbers is an entry into the drawing of the game).

Bergeon fails to disclose a  $p$  wagers indicator. However, Walker et al. discloses a “ $p$  wagers indicator” identifying as a group  $p$  wagers played simultaneously by a player eligible for an award (Fig. 3, object 134: “number of primary lottery entries registered”). Because both Walker and Bergeon discloses a lottery game with a database that stores players information, it would have been obvious to simply substitute the database of Walker for that of Bergeon for the purpose of concisely organizing data.

Bergeon fails to disclose entry to be declared a winning entry if collectively no more than  $x$  play symbols matched the winning play symbols of  $q$  drawings, where  $x$  is 0 or a predetermined number less than  $m$ . However, in light of Applicant’s Disclosure of Prior Art, a winning game card (entry) would be a winner if only one or multiple wagers achieved  $x$  amount of winning numbers without achieving all of the winning lottery numbers.

Re claims 12 and 21 and 30: Bergeon fails to disclose with respect to a method according to claim 1 wherein the playing of a wager is evidenced by issuance of an

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identifying confirmation (e.g. a printed ticket, an electronic message, a dynamic web page, a sense mark form, or another confirmation) and each entry of p wagers played simultaneously is evidenced by a single combined confirmation, and further including storing with each wager and entry a date and a unique identifying number, and storing with each winning wager and winning entry of p wagers played simultaneously as evidenced by a single combined confirmation a winning date and an award value. However Walker discloses that after a player registers for a ticket, there is an entry made into a memory unit that indicates each entry of p wagers played simultaneously, (Fig. 4: "Lottery Numbers") which includes a date and a unique identifying number, (Fig. 4: "Drawing Identifier" and "Player Identifier") and a winning entry has an associated date and award value (Fig. 4: "Award Values" and "Lottery Number"). It would have been obvious to one skilled in the art to modify the central storage of Bergeon with the categories of Walker as they satisfy player history data which Beurgeon stores.

Re claims 13, 22, and 31: Burgeon discloses an apparatus according to claim 10 wherein said processor is further operative to identify additional individual winning wagers with less than m matching symbols (m-1, m-2, etc.) and additional winning entries of p multiple wagers played simultaneously with collectively more than 0 matching symbols (1, 2, etc.), said processor also being operative to calculate the corresponding additional award values. However, in light of Applicant's Disclosure of Prior Art which discloses that a player can win award for a sequence of numbers that does not include all winning numbers, a series of lottery tickets of Bergeon for the same

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pool under these rules can provide additional award values for each ticket that satisfies this limitation.

Re claims 15, 24, and 33: Burgeon discloses with respect to an apparatus according to claim 10 wherein all entries are comprised of a minimum of  $p$  wagers played simultaneously (in Burgeon a player can repeatedly purchase tickets for the same lottery, wherein the minimum of  $p$  wagers played simultaneously would have to be two because one wager can not be played simultaneously).

Re claims 16, 25, and 34: Burgeon discloses with respect to an apparatus according to claim 10 wherein the play symbols of said multiple  $p$  wagers played simultaneously and identified by a  $p$  wagers indicator consist at least in some instances of play symbols randomly generated on behalf of the player (on one purchase of a lottery ticket, a player can ask for a random generated set of numbers).

Re claims 17, 26, and 35: Burgeon discloses an apparatus according to claim 10 wherein said game of chance is operated by a central authority, said processor being operative to: receive a request to purchase play of one or more wagers played simultaneously (an entry), with the request identifying the  $m$  play symbols for each wager played (column 11, lines 10-29); transmit said request to the remote central authority (column 11, lines 10-29: receipt); store said request on a central server (column 11, lines 46-47: the request is stored as wager data); Burgeon fails to disclose



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receiving with said requests an indicator whether said request is for multiple (p) wagers played simultaneously and eligible for an award based on the number of play symbols in said multiple wagers that do not match the m play symbols determined by said random drawing; and providing a confirmation of receipt of said request .

4. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeon (U.S. Patent No. 4,764,666) in view of Walker et al. (U.S. Patent No. 7,052,394) in view of Applicant's Disclosure of Prior Art in further view of Official Notice.

Re claim 8: Burgeon discloses an apparatus according to claim 10 wherein said game of chance is operated by a central authority, said processor being operative to: receive a request to purchase play of one or more wagers played simultaneously (an entry), with the request identifying the m play symbols for each wager played (column 11, lines 10-29); transmit said request to the remote central authority (column 11, lines 10-29: receipt); store said request on a central server (column 11, lines 46-47: the request is stored as wager data); Burgeon fails to disclose receiving with said requests an indicator whether said request is for multiple (p) wagers played simultaneously and eligible for an award based on the number of play symbols in said multiple wagers that do not match the m play symbols determined by said random drawing; and providing a confirmation of receipt of said request. However, Examiner takes Official Notice that in traditional lottery games, players submit mark forms in which a player can indicate multiple simultaneous plays for a lottery game, in which a player is eligible for the lottery

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under this specific rule set by the purchase of said lottery tickets. It would have been obvious for the player to use a mark form within the game of Burgeon to indicate multiple simultaneous plays in a lottery game, as it is a common practice to make entering a lottery with multiple plays more efficient.

5. Claims 9, 18, 27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgeon (U.S. Patent No. 4,764,666) in view of Walker et al. (U.S. Patent No. 7,052,394) in view of Applicant's Disclosure of Prior Art in further view of Walker et al (U.S. Patent No. 6,688,976 herein known as '976).

Re claims 9, 18, 27, and 36: Burgeon discloses a method according to claim 1 wherein said central authority: receives a request for the win/loss status of one or more entries, said request to include said p wagers indicator (column 12, lines 4-14: a player can approach a agent terminal with a car that contains a player's lottery numbers). Burgeon discloses outputting data (column 12, lines 4-14) identifying the status of said one or more entries including data such as whether or not said entry constitutes a winning entry, and the value of the award (column 12, lines 8-14). However Burgeon fails to disclose that such data including the date of purchase of the entry, the date of the drawing(s) is associated with the winning ticket which is outputted. However, '976 discloses associating these categories with a specific lottery entry (Fig. 4 & column 13, lines 66-67, column 14, lines 1-7). Because Burgeon states that this information can be outputted audibly, it would have been obvious to one skilled in the art for the game

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machine to output these items to the player audibly, for the purpose of allowing the player to know the details of their winning outcome.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A. R./

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Examiner, Art Unit 3714

/Pierre E. Elisca/

Primary Examiner, Art Unit 3714